

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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In Re: Pharmaceutical Industry Average  
Wholesale Price Litigation

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)  
) MDL No. 1456  
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)  
) This Document Relates to:  
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) 1:01-CV-12257-PBS  
)

)  
) *Commonwealth of Kentucky v. Alpharma Inc.,*  
) *et al.*, C.A No. 1:05-CV-12493-PBS  
)

) Honorable Patti B. Saris  
)

)  
) *Commonwealth of Kentucky v. Abbott Laboratories ,*  
) *Inc.*, C.A No. 1:05-CV-12494 -PBS  
)

)  
) *Commonwealth of Kentucky v. Warrick*  
) *Pharmaceuticals Corp., et al.*, C.A. 1:05-CV-12495-PBS  
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**AFFIDAVIT OF C. DAVID JOHNSTONE**

The Affiant, C. David Johnstone, after first being duly sworn, states as follows:

1. My name is C. David Johnstone and I make this Affidavit in accordance with Local Rule 83.5.3(b) and paragraph 10 of this Court's Case Management order No. 1 entered on June 19, 2002, in support of my motion for admission to practice before the Court *pro hac vice* as Co-Counsel for the Plaintiff, the Commonwealth of Kentucky, in the above-referenced actions.

2. I am an Assistant Attorney General with the Commonwealth of Kentucky, Office of the Attorney General and was one of the counsel of record for the Commonwealth of Kentucky in the above-referenced actions prior to their removal to the United States District Court for the Eastern District of Kentucky and subsequent transfer to this Court by the Judicial Panel for Multidistrict Litigation.

3. I am an attorney-at-law, duly licensed to practice by the Commonwealth of Kentucky

since 1975 and the State of Indiana since 1980 and am a member in good standing of every jurisdiction where I have been admitted to practice.

4. I am also a member in good standing of the bars of the United States Supreme Court, the United States Court of Appeals for the Sixth Circuit, the United States District Court for the Eastern District of Kentucky, the United States District Court for the Western District of Kentucky and the United States District Court for the Southern District of Indiana.

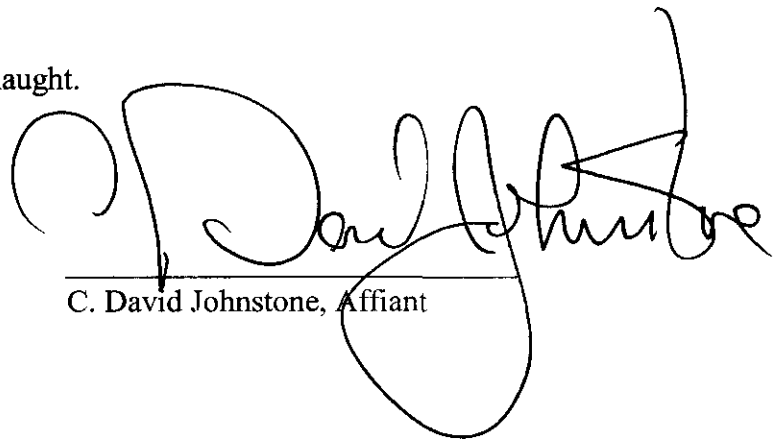
5. There are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.

6. My mailing address, telephone and telefacsimile numbers and e-mail address are as follows:

C. David Johnstone  
Assistant Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601  
(502) 696-5300  
(502) 573-7150 FAX  
David.Johnstone@ag.ky.gov

7. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

8. Further Affiant sayeth naught.



C. David Johnstone, Affiant

[illegible]

Before this date appeared C. David Johnstone in his capacity as an Assistant Attorney General for the Commonwealth of Kentucky, Office of Attorney General and acknowledged the foregoing to be his voluntary act and deed. Witness my hand and Notarial Seal this 10<sup>th</sup> day of January 2006.

Diana Gray

Notary Public, State at Large

1/21/08

## My Commission Expires